

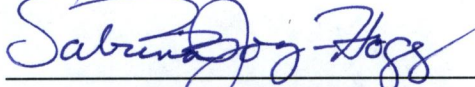


To the Honorable Council
City of Norfolk, Virginia

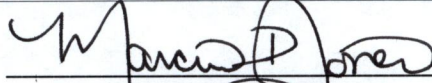
December 16, 2014

From: David S. Freeman, AICP
Director of General Services

Subject: Amend Animal Control Code
Ordinance sections 6.1-2, 6.1-3, 6.1-4,
and 6.1-6, 6.1-50, 6.1-80, 6.1-82,
6.1-85, and 6.1-86.

Reviewed: 
Sabrina Joy-Hogg, Deputy City Manager

Ward/Superward: Citywide

Approved: 
Marcus D. Jones, City Manager

Item Number:

R-6

I. **Recommendation:** Approval

II. **Applicant:** Department of General Services

III. **Description**

Amendment of Animal Control Code Ordinance (Chapter 6.1) to comply with new and revised language derived from reorganization, Virginia State Code changes and at the request of the Animal Advisory Board (AAB).

IV. **Analysis**

The existing Animal Control and Welfare ordinance requires an update to reflect administrative code cleanups and changes to the Virginia state law. In addition, the AAB has proposed several recommendations to align the code with state language.

- Refined definitions and language related to dangerous animals that are encompassing of best practices;
- Delegated authority exchange of the Norfolk Animal Care and Adoption Center from the Chief of Police to the Director of the Department of General Services;
- Name change from 'Norfolk Animal Management Center' to 'Norfolk Animal Care and Adoption Center';
- Name change from 'Division of Animal Management' to 'Animal Protection Unit' in the Department of Police;
- Name change from 'Animal Control Officer' to 'Humane Officer' in the Department of Police to comply with the classification title in the City's Compensation Plan.

- Additional adequate water provision to include 'appropriate for the weather and temperature'; and
- Revision of section 6.1-85(b); language struck with regard to the confinement and disposition of stray animals to conform to that of state comprehensive animal care law.

V. Financial Impact

- Dangerous Animal fee increase from \$50.00 to **\$150.00**
- Animal Trap fee increase from \$20.00 to **\$50.00**

VI. Environmental

N/A

VII. Community Outreach/Notification

Public notification for this agenda item was conducted through the City of Norfolk's notification process.

VIII. Board/Commission Action

The Animal Advisory Board recommends these changes to the City Code.

IX. Coordination/Outreach

This request has been coordinated with the departments of Police, General Services' Norfolk Animal Care and Adoption Center, Health, the City Attorney's Office and the Animal Advisory Board (AAB).

Supporting Material from the City Attorney's Office:

- Ordinance

Form and Correctness Approved:

By

Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By

DEPT.

ORDINANCE No. 45,824

R-6
AN ORDINANCE TO AMEND AND REORDAIN CERTAIN SECTIONS OF CHAPTER 6.1 **SO AS TO** UPDATE THE CODE REGARDING ADMINISTRATIVE AND DEPARTMENTAL NAME CHANGES AND TO REFLECT CHANGES IN CERTAIN PROVISIONS OF STATE LAW.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 6.1-2 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Sec. 6.1-2. Definitions.

The following words as used in this chapter shall have the following meanings:

Abandon means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in Virginia Code, Section 3.2-6503, as amended, for a period of five (5) consecutive days.

Adequate care or care means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

Adequate exercise or exercise means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

Adequate feed means access to and the provision of food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

Adequate shelter means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

Adequate shelter for animals kept outdoors must comply with the following standards:

- (1) The shelter must be a well-constructed structure with a roof, enclosed sides, one of which must contain an entry way and a solid, level floor raised at least two (2) inches from the ground. The entry way openings shall not comprise an entire side of the structure.
- (2) The shelter must have no cracks or openings other than the entrance.

- (3) The shelter must be small enough to allow an animal to warm the interior of the structure and maintain body heat, but large enough to allow the animal to stand, turn and lie down.
- (4) Between November 1 and March 31 and whenever the real or effective temperature is forty-five (45) degrees Fahrenheit or lower, the entryway must be protected by a self-closing door, an offset outer door, or a flexible flap, and a sufficient amount of dry bedding material must be provided to insulate against cold and damp.
- (5) The shelter must be placed where it will be adequately shaded in hot weather and protected from the wind in cold weather.

Adequate space means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age, size, and health of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury, with enough room between the collar and the dog's throat through which two (2) fingers may fit, and prevent the animal or tether from becoming entangled with other objects or animals, or from gaining access to public thoroughfares, or from extending over an object or edge that could result in the strangulation or injury of the animal; weighs not more than one-eighth of the body weight of the animal tethered; and is at least ten (10) feet in length or three (3) times the length of the animal whichever is longer, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space. Provided, however,

that no animal shall be tethered for more than three (3) consecutive hours in a twenty-four-hour period.

Adequate water means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

Adoption means the transfer of ownership of a dog or cat from a releasing agency to an individual.

Adult dog or cat means any dog or cat over the age of four (4) months.

Agricultural animal means all livestock and poultry.

Ambient temperature means the temperature surrounding the animal.

Animal means any nonhuman vertebrate species except those fish captured and killed or disposed of in a reasonable and customary manner.

Animal control officer means the person employed, contracted, or appointed by the City of Norfolk who has attended training in animal welfare programs as recommended and/or certified by the State Veterinarian and the Department of Criminal Justice System, for the purpose of aiding in the enforcement of this law or any other law or ordinance relating to the licensing of dogs and cats, control of animals, cruelty to animals, or seizure and impoundment of animals, and who is appointed as special police officer and who meets the requirements of Virginia Code, section 3.1-

796.104. The term "animal control officer" shall also include his designee.

Animal shelter means a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Boarding establishment means a place or establishment other than a pound or animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee or barter.

Collar means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

Companion animal means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

Consumer means any natural person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term "consumer" shall not include a business or corporation engaged in sales or services.

Dangerous animal means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat.

Dealer means any person whom in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. Any person who transports companion animals in the regular course of business as a common carrier shall not be considered a dealer.

Deputy animal control officer means any person who is appointed to assist the animal control officer in the performance of his duties who is appointed as a special police officer and who meets the requirements of Virginia Code, section 3.1-796.104.1.

Domestic animal means a dog or cat.

Emergency veterinary treatment means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

Enclosure means a structure used to house or restrict animals from running at large.

Euthanasia means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness as prescribed in state veterinary guidelines.

Exhibitor means any person who has animals for or on public display, excluding an exhibitor licensed by the United States Department of Agriculture.

Exotic animal means any live monkey (nonhuman primate), raccoon, skunk, wolf, wolf-canine hybrid, exotic feline hybrid, squirrel, fox, porcine, leopard, tiger, lion, panther, ratites, or any other warm-blooded animal, poisonous reptile, or nonpoisonous reptile six (6) feet or longer in length which can normally be found in the wild state or any

other member of the crocodilian, including, but not limited to, alligators, crocodiles, caimans, and gavials. Ferrets, birds which are normally purchased through pet stores (with the exception of ratites), nonpoisonous reptiles less than six (6) feet in length, domestic rabbits and domestic rodents which have been bred in captivity and which never have known the wild shall be excluded from this definition.

Exposure means any bite, scratch or other situation where saliva or central nervous system (CNS) tissue or fluid of a rabid animal or potentially rabid animal enters an open fresh wound or comes in contact with a mucous membrane by entering the eyes, nose or mouth.

Groomer means a person who for a fee cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

Housing facility means any room, building, or area used to contain a primary enclosure or enclosures.

Humane means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

Humane society means any chartered, nonprofit organization incorporated under the laws of this commonwealth and organized for the purpose of preventing cruelty to animals and promoting humane care and treatment of animals.

Immediate threat means a situation or condition having a high probability that serious or severe or irreparable harm or injury to an animal is imminent, has already occurred, or may occur again if the animal is not protected from harm or the danger is not removed.

Kennel means any establishment in which five (5) or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

Leashed or lead control means a suitable restraint no longer than twenty (20) feet in length and in good repair which is affixed to the collar, halter or harness of an animal and is held or controlled by a person capable of exercising adequate control over the animal.

Livestock means one or more of the same species and includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

Other officer includes all other persons employed or elected by the people of Virginia, or by any municipality, county, or incorporated town thereof, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

Owner means any person who: (i) has a right of property in an animal, (ii) keeps or harbors an animal, (iii) has an animal in his care, or (iv) acts as a custodian of an animal.

Person means any individual, firm, owner, sole proprietorship, partnership, corporation, unincorporated association, governmental body, municipal corporations, executor, administrator, trustee, guardian, agent, occupant or other legal entity.

Pet shop means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

Poultry includes all domestic fowl and game birds raised in captivity.

Pound means a facility operated by the commonwealth, or any political subdivision, for the purpose of impounding or harboring seized, stray, homeless,

abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any county, city, town, or incorporated society for the prevention of cruelty to animals.

Primary enclosure means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

Properly cleaned means that carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with a stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

Properly lighted means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the shelter, and observation of the animal; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facilities; and to promote the well-being of the animals.

Public health officer means the director of public health or his designee.

Quarantine means restriction of the activities of an animal which has been exposed or is suspected of being exposed to a communicable disease during a period of communicability or incubation to prevent further disease transmission. Such quarantines shall meet the criteria set forth by the director of public health or her designee in accordance with the current guidelines in the "Compendium of Animal Rabies Control" and the Virginia Comprehensive Animal Laws, as amended. Absolute or complete quarantine

means the restriction of contact between exposed subjects and other animals and/or humans for a period of time not longer than the longest usual incubation of the disease. Modified quarantine means a selective, partial limitation of freedom of movement and contact between exposed and nonexposed humans and/or animal as deemed appropriate to prevent transmission of the disease.

Releasing agency means a pound, animal shelter, humane society, animal welfare society, society for the prevention of cruelty to animals, or other similar entity that releases companion animals for adoption.

Sanitize means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

Sterilize or sterilization means a surgical or chemical procedure performed by a licensed veterinarian that renders an animal permanently incapable of reproducing.

Treatment or adequate treatment means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of the animal.

Veterinary treatment means treatment by or on the order of a duly licensed veterinarian.

Vicious dog means a canine or canine cross breed which has done any of the following: (1) killed a person; (2) inflicted serious injury to a person or animal, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of bodily function; (3) continued to exhibit behavior which resulted in a previous court or administrative finding that the animal is dangerous, provided that the owner or custodian had been given notice of such finding; or (4) has demonstrated a trend towards continually exposing humans to the potential of rabies as recorded through the rabies quarantine program administered by the Norfolk Department of Public Health.

Weaned means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species, and has ingested such food, without nursing, for a period of at least five (5) days.

Section 2:- That Section 6.1-3 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Sec. 6.1-3. Division of Animal Protection–
 Animal Control Officer.

In the department of police, there shall be an animal protection unit, the head of which shall be Commanding Officer of the Police Department's Second Patrol Division. The animal protection unit will have a Humane Officer II as its supervisor, with the appropriate training and certification therefor, as required by the Code of Virginia, 1950, as amended. The supervisor shall be known also as the Animal Control Officer. The unit shall be charged with the enforcement of the city ordinances and state laws relating to animals.

The Animal Protection Unit shall be under the immediate control and direction of its supervisor, a Humane Officer II, and under the ultimate control and direction of the chief of police, or his designee. There shall also be designated in the Animal Protection Unit Humane Officer I s who shall assist the supervisor of the Animal Protection Unit in inspection activities and enforcement of ordinances and laws relating to animals. The supervisor of the Animal Protection Unit and his subordinates shall have the power to issue a summons or obtain a felony warrant within the city to any person found in the act of violating applicable local, state or federal regulation, law or ordinance related to animals.

Section 3:- That Section 6.1-4 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Sec. 6.1-4. Animal Care and Adoption Center.

The division of animal care shall be under immediate control and direction of its head, the Manager of the Norfolk Animal Care and Adoption Center, and under the ultimate

control of the Director of General Services. The division shall be charged with managing the Animal Care and Adoption Center. All ordinances and laws relating to rabies shall be enforced by the Director of Public Health who may also designate the Animal Care and Adoption Center to enforce such ordinances. All ordinances relating to the animal license taxes shall be enforced by the Animal Care and Adoption Center in conjunction with the City Treasurer's Office.

- (a) Any animal picked up or impounded by the animal protection unit and not immediately returnable to its owner or custodian, shall be impounded by the city. The city animal pound shall be known as the Animal Care and Adoption Center and shall be accessible to the public at reasonable hours during the week for redemption of impounded animals. The Animal Care and Adoption Center shall be under the control and direction of the Director of the Department of General Services, or his designee.
- (b) Owners may release their animals for adoption or disposal at the city's animal management center upon completion of a release form and payment of the first day's impoundment fee. Such impoundment fee may be waived by the City Manager, or his designee. Release of an animal to the Animal Care and Adoption Center shall not be construed to be abandonment of the animal.
- (c) Animal carcasses may be brought to the city's Animal Care and Adoption Center for disposal. Disposal fees shall be set by City Manager, or his designee and shall cover the cost of incineration or other method of disposal. Such fees may be waived by the City Manager, or his designee.
- (d) Any person surrendering a live or deceased animal to the Animal Care and Adoption Center for disposal shall certify that the animal has not potentially exposed any person to rabies in the

last ten (10) days. Failure to truthfully certify shall constitute a class 1 misdemeanor.

Section 4:- That Section 6.1-6 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Sec. 6.1-6. Animal traps.

- (a) The Animal Care and Adoption Center shall maintain an inventory of various-sized live animal traps, which may be made available to the citizens of Norfolk for a period of up to seven (7) days. A further seven-day extension may be allowed at the discretion of the Animal Care and Adoption Center depending on current inventory, public demand, or citizen need. A deposit of fifty dollars (\$50.00) shall be made with the Animal Care and Adoption Center for the use of any animal trap. When a trap is destroyed, lost or damaged through negligence, those persons responsible for the trap shall reimburse the city for the full cost of the repair or replacement of the trap. All animal traps shall be clearly marked with the owner's name and address.
- (b) Prior to utilizing any trap set for the capture of any wild or fur bearing animal, the person acquiring such trap must first present any required permit issued by the Commonwealth Department of Wildlife and Game pursuant to Virginia Code, section 29-300.1, as amended, and register with the animal protection unit. A permit is not required for capture of stray domestic animals, mice, rats or nuisance rodents upon a private property.
- (c) No person may interfere with the lawful use of an animal trap. This subsection will not apply to the animal control officer, deputy animal control officer, the director of public health or his designee, any city employee dealing with a trap placed upon city property without consent of the city, the fire chief or his designee, or a state or federal game warden.

- (d) Any violation of this section shall constitute a class 1 misdemeanor.

Section 5:- That Section 6.1-50 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Sec. 6-1.50. License for dog or cat required.

- (a) It shall be unlawful for any person other than a releasing agency that has registered as such annually with the Animal Care and Adoption Center, to own in the city a dog or a cat four (4) months old or older unless such dog or cat is licensed under the provisions of this article. New residents of the city must obtain the required dog or cat licenses within ten (10) days of bringing the animal into the city.
- (b) The first violation of this section shall constitute a class 4 misdemeanor. The second violation on the same animal shall constitute a class 3 misdemeanor. Subsequent violations on the same animal shall constitute a class 2 misdemeanor. Upon being found guilty of a third or subsequent violation related to the same animal, the court may also order the confiscation and the proper disposition of the animal.

Section 6:- That Section 6.1-80 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Sec. 6.1-80. Dangerous animals.

- (a) It shall be unlawful for any person to keep, harbor or maintain within the city a dangerous animal as defined in this chapter unless authorized pursuant to this section.
- (b) The owner or custodian of any animal found to be a dangerous animal shall obtain a dangerous animal registration certificate from the animal control officer. Such registration shall be obtained within ten (10) working days of the determination. The fee for such registration shall be One Hundred Fifty Dollars (\$150) in

addition to other fees that may be authorized by law. The registration certificate shall be renewed annually. If the owner or custodian of an animal found pursuant to this section to be a dangerous animal is a minor, the custodial parent or legal guardian shall be responsible for obtaining the necessary certificates and complying with the terms of this section.

- (c) The animal control officer shall provide the owner or custodian with a tag which identifies the animal as a dangerous animal. The owner or custodian shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. Failure to display the tag as required herein shall constitute a violation.
- (d) All certificates or renewals which are required to be obtained under this section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence of all of the following:
 - (1) The animal's current rabies vaccination and that the animal has been spayed or neutered;
 - (2) That the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. Such enclosure shall be a secure and locked structure of sufficient height and design to prevent escape or direct contact with or entry by minors, adults or other animals. Such structure shall provide the animal with shelter from the elements of nature;
 - (3) That the owner's residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous animal on the property;
 - (4) That the animal shall be kept muzzled and on a leash in such a manner as not to cause injury to people, other animals or itself whenever the animal is off the owner's property;

- (5) That the animal has been permanently identified by a means of a tattoo on the inside thigh or by electronic implantation, or other appropriate method; and
- (6) That the owner has obtained liability coverage of at least One Hundred Thousand Dollars (\$100,000) that covers animal bites.
- (7) That the owner will immediately upon learning of any of the following incidents, notify the animal control officer or his designee if the animal:
 - a. Is loose or unconfined;
 - b. Bites a person or attacks another animal;
 - c. Is sold, given away or dies; or
 - d. Has been moved to a different address.

Failure to perform each of the above items, shall constitute a violation of this section.

- (e) No animal shall be found to be dangerous for any of the following reasons:
 - (1) Solely because it is a particular breed or species;
 - (2) If the injury, damage or threat was sustained by a person or animal who was, at the time:
 - a. Committing a crime upon the premises occupied by the owner or custodian; or
 - b. Committing a willful trespass or other tort upon the owner or custodian's premises; or
 - c. Provoking, tormenting, or physically abusing the animal or can be shown to have repeatedly provoked, tormented abused or assaulted the animal in the past; or
 - d. A law enforcement animal which is engaged in the performance of its duties at the time of the acts.
- (f) The finding of any court as to the guilt of the owner or custodian of the animal under the provisions of this section shall not be construed in any way to affect the decision of the court as to the disposal of the animal in

cases where the court may consider disposal advisable. Where an animal is dangerous without the knowledge of the owner, the court may order the animal destroyed without penalizing the owner. The owner or custodian shall bear the cost of impoundment and disposal of such animal.

- (g) Notwithstanding the provisions of this chapter, upon the hearing or trial of any person charged with owning or having custody of a dangerous animal, the animal welfare board or the court in its discretion may find the person not guilty of this section, but guilty of nuisance animal, Section 6.1-76.

Section 7:- That Section 6.1-82 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Sec. 6.1-82. Authority to impound animals found
Within City limits.

- (a) The animal control officer is hereby authorized to seize and impound any animal suspected of:
 - (1) Suffering a direct or immediate threat to its life, safety or health which the owner or custodian has failed or refused to remedy;
 - (2) Being abandoned or at large;
 - (3) Being cruelly treated;
 - (4) Being unlicensed;
 - (5) Being used for gaming or other illegal activity;
 - (6) Being a dangerous animal in violation of Section 6.1-80
 - (7) Being a vicious animal in violation of Section 6.1-81
 - (8) A violation of Section 6.1-8
 - (9) A violation of Section 6.1-10; or
 - (10) A violation of any other state or federal law or regulation concerning animals; or
 - (11) A violation of Section 6.1-76
- (b) Any animal seized pursuant to this section shall be impounded at the Animal Care and Adoption Center or at another city-designated facility. Animals requiring

specialized veterinary or other care may be impounded at another city-designated facility. Any expense incurred in seizure or impoundment including, but not limited to, boarding, veterinary care, or license fee shall be the responsibility of the owner or custodian of the animal and become a lien on the animal impounded and must be discharged before the animal is released from the facility. The city shall not be required to hold the seized animal for a period longer than thirty (30) days from the date of the seizure unless a bond as provided for in Section 6.1-94 has been posted. In the event no bond has been posted, at the expiration of the thirty-day period, the animal may be disposed of.

- (c) The impoundment of any animal pursuant to this section shall be in addition to any other remedy, action, or process available for any violation of this chapter.

Section 8:- That Section 6.1-85 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Sec. 6.1-85. Confinement and disposition of stray animals.

- (a) All stray animals seized by the animal control officer shall be impounded at the city Animal Care and Adoption Center or other designated facility. The owner or custodian of the animal shall be responsible for all costs of seizure, impoundment, board and veterinary care for the seized animal. Such costs shall become a lien against the owner or custodian and must be discharged prior to release of the animal.
- (b) It shall be unlawful for any person to harbor or keep a stray or an ownerless animal for more than forty-eight (48) hours without notifying the animal protection unit.
- (c) An animal confined pursuant to subsection (a) shall be kept for a period of not less than five (5) days, such period to commence on the day immediately following

the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof. The animal control officer shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five (5) days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can readily be identified, the animal control officer shall make a reasonable effort to notify the owner of the animal's confinement within the next forty-eight (48) hours following the confinement.

- (d) If the rightful owner claims the animal prior to the expiration of the holding period, such owner shall be charged the actual expenses incurred in impoundment and keeping of the animal. Any person claiming to be the owner of an impounded animal shall provide adequate proof of ownership prior to redeeming the animal. It shall be unlawful for any person to present false evidence of ownership in order to redeem or gain possession of an impounded animal. Violations of this subsection shall constitute a class 1 misdemeanor.
- (e) The fee for redeeming an animal shall be fifteen dollars (\$15.00) for the first twenty-four (24) hours or any part thereof and ten dollars (\$10.00) per day thereafter to cover the cost of maintaining and safekeeping the animal. Fee for large livestock or animals requiring special handling shall be fifteen dollars (\$15.00) per twenty-four (24) hours plus any transportation, boarding and other fees incurred by the city in keeping such animals. Owners or custodians of an impounded animal shall be responsible for any medical cost related to such animal. Said fees may be waived at the discretion of the animal control officer.
- (f) If any animal confined pursuant to this section is not claimed by its rightful owner upon expiration of the holding period, such animal shall be deemed abandoned and will become the property of the city. If

such abandoned animal did not bear any form of identification when delivered to the animal management center, such animal may be humanely destroyed or disposed of by:

- (1) Sale or gift to a federal agency, state-supported institution, agency of the commonwealth, or agency of another state, provided that such agency, or institution is not engaged in animal research and agrees to confine the animal for an additional period of not less than five (5) days;
- (2) Delivery to any humane society or animal shelter within the commonwealth;
- (3) Adoption by any person provided the animal is spayed or neutered prior to adoption;
- (4) Adoption by a resident of a neighboring political subdivision of the commonwealth; or
- (5) Delivery, for the purposes of adoption or euthanasia only, to a humane society or an animal shelter located in and lawfully operating under the laws of another state, provided that such humane society or animal shelter: a) maintains records which would comply with Virginia Code, section 3-796.105; b) requires that adopted dogs and cats be sterilized; and c) has been approved by the State Veterinarian or his designee as a facility which maintains such records, requires adopted dogs and cats to be sterilized, and provides adequate care and euthanasia.

If such abandoned animal did bear a form of identification when delivered to the animal management center, such animal may be humanely destroyed or disposed of only by the methods set forth in paragraphs (2) through (5) above.

- (g) No provision herein shall prohibit the immediate destruction of a critically injured or critically ill animal for humane purposes. Any animal destroyed pursuant to the provisions of this section shall be euthanized by one

of the methods prescribed or approved by the State Veterinarian. Neither shall any provision in this section prohibit the immediate destruction, for humane purposes, of any animal not weaned, whether or not the animal is critically injured or critically ill.

- (h) Nothing in this section shall prohibit the immediate destruction or disposal by the methods listed in subsection (g) of an animal that has been delivered voluntarily or released to the city animal management center by the animal's rightful owner after the rightful owner has, in writing, surrendered all property rights in such animal and has read and signed a statement which: 1) certifies that no other person has a right of property in the animal; 2) certifies that the animal has not exposed any person in the last twenty (20) days; and 3) acknowledges that the animal may be immediately euthanized or disposed of by the methods listed in subsection (g).

Section 9:- That Section 6.1-86 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Sec. 6.1-86. Sterilization of adopted dogs and cats.

A dog or cat shall not be released for adoption from the SPCA, the Animal Care and Adoption Center, any humane society or animal shelter unless the animal has already been sterilized, except that an individual may adopt an animal before it has been sterilized if its health may be jeopardized by sterilization.

- (a) Should the animal not be sterilized for the exception allowed in this section, the individual adopting the animal shall, at the time of adoption:
 - 1. Sign an agreement to have the animal sterilized through the releasing agency or by a licensed veterinarian within thirty (30) days after the date of the agreement;

2. Deposit with the SPCA, the Animal Care and Adoption Center, or any animal shelter from which the dog or cat is adopted, a fee set by the releasing agency, in the amount that it would charge to sterilize the animal. The deposit will be remitted to the adopting individual, if the adopted animal is sterilized by a licensed veterinarian, upon receipt of a written confirmation signed by the veterinarian who performed the sterilization.
- (b) Violations of subsection (a) of this section shall constitute a class 4 misdemeanor.
 - (c) Upon the petition of the animal control officer to the general district court, the court may order the individual adopting the animal to take any steps necessary to comply with the requirements of this article. This remedy shall be exclusive of and in addition to any civil or criminal penalty which may be imposed under this chapter.
 - (d) Any person giving false information in the adoption of an animal pursuant to this section, including misrepresentation of spaying or neutering, shall be guilty of a class 1 misdemeanor.
 - (e) The animal control officer shall have the authority necessary to administer this section efficiently, including, but not limited to, the implementation of subsection (a).
 - (f) All fees forfeited for failure to sterilize any animal adopted from the animal management center shall be deposited into a special fund for care and treatment of animals held at the animal management center.

Section 10:- That this ordinance shall be in effect from and after its date of adoption.

Adopted by Council December 16, 2014
Effective December 16, 2014

TRUE COPY
TESTE:

R. BRECKENRIDGE DAUGHTREY, CITY CLERK

BY: _____
DEPUTY CITY CLERK